

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Xia et al.
Application No. : 10/725,159
Filed : December 1, 2003
Title : GENTLE AND ENHANCED PRESERVATIVE SYSTEMS
Group/Art Unit : 1615
Conf. No. : 4792
Docket No. : P03366
Appeal No. : 2009-010233

INFORMATION DISCLOSURE STATEMENT

Board of Appeals and Interferences
US Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to make of record references relevant to the consideration of the patent application identified above. A listing of the references is on the attached Form PTO-1449. The order of presentation of the references should not be construed as an indication of the importance of the references. Copies of the cited non-US references are attached.

It is respectfully requested that:

1. The Examiner considers completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to the patentability as defined in 37 C.F.R. §1.56.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Applicants believe this filing is timely and no fee is believed to be due. However, should it be determined that a fee is due, please charge Deposit Account No. 02-1425.

REMARKS

Applicants respectfully point out the distinction between the claims of European Patent EP 1687037B1 and the present claims on appeal of U.S. Patent Application No. 10/725,159. The claims of EP 1687037B1 are directed to a composition comprising one or more saccharides in combination with one or more cationic polysaccharides in solution in an amount effective for solution preservation. In contradistinction, the present claims on appeal are directed to a method of imparting a preservative efficacy to a contact lens solution comprising providing in said contact lens solution one or more saccharides selected from the group consisting of glucose and α -methyl gluco-pyranoside in combination with one or more polyquaternium-10 cationic polysaccharides wherein the saccharides and cationic polysaccharides are in amounts effective for solution preparation.

Respectfully submitted,



Toan P. Vo
Registration No.: 43,225
Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester, New York 14604
Tel: (585) 338-8071
Fax: (585) 338-8706

Dated: December 3, 2009